

From: Brad Bleier
To: Microsoft ATR
Date: 1/23/02 3:17pm
Subject: Microsoft Settlement

In light of the coming expiration of the comment period, I feel compelled to write. Microsoft has proven to be one of the greatest impediments to innovation in recent memory. Mr. Gates has demonstrated that he, and his company are flout laws of the first order, having largely disregarded the first consent decree, and continuing their anti-competitive behavior even during the course of litigation. Were a criminal accused to demonstrate so complete a lack of remorse, most judges would apply maximum punishment.

In fact, Mr. Gates even at the time declared that the earlier consent decree would have very little effect on Microsoft, and that only a few of his employees even needed to read it. Now the Department of Justice has elected to permit a far too conciliatory settlement with a company that clearly has no intention of abiding by the law. Without substantive enforcement, the conduct of Microsoft will not change.

The Department of Justice should also consider further investigations of Microsoft. For example, Microsoft perpetrated a fraud on the market recently, selling Windows XP as a purportedly "secure" operating system. While they continued this fraudulent sales pitch, Microsoft knowingly, and with malice, suppressed information regarding substantial security flaws. The ostensible purpose for this failure was that public information might suppress sales.

At the very least, the Department of Justice should end Microsoft's predatory use of litigation. If Microsoft is to be let off the hook after such egregious findings of fact have been upheld on appeal, they should not be heard to take any action against other companies. Microsoft has obtained, purchased or otherwise developed software and process patents that may be used in a predatory manner against its competitors.

Microsoft is not a competitive company. Whatever their current protestations, there is nothing Bill Gates and Microsoft fear more than a truly free market. Their current crocodile tears over the government demands should not be believed, and Microsoft should be put to the proof. Please consider real remedies, not poorly and incompetently drafted settlements that would prove meaningless.

Best wishes,

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